

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**STATE OF MISSOURI, ex rel. CAESARS ENTERTAINMENT OPERATING CO. INC.,
et al,**

Appellants,

v.

MISSOURI COMMISSION ON HUMAN RIGHTS, ET AL.,

Respondents.

DOCKET NUMBER WD78693

Date: April 19, 2016

Appeal from:
Cole County Circuit Court
The Honorable Patricia S. Joyce, Judge

Appellate Judges:
Division Four: Alok Ahuja, C.J., and Thomas H. Newton and and James Edward Welsh, JJ.

Attorneys:
Christopher R. Howard, Kansas City, MO for appellants.
Daryl R. Taylor, Kansas City, MO for respondents.

MISSOURI APPELLATE COURT OPINION SUMMARY

COURT OF APPEALS -- WESTERN DISTRICT

**STATE OF MISSOURI, ex rel. CAESARS ENTERTAINMENT OPERATING CO.
INC., et al**

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Caesars Entertainment Operating Company terminated the employment of Rebecca Gleason on November 1, 2012.

On November 27, 2013, Gleason filed a charge of discrimination with the Missouri Commission on Human Rights, alleging that Caesars discriminated against her on the basis of her gender, in violation of the Missouri Human Rights Act, during her employment, when terminating her employment, and when she later applied for unemployment benefits.

Caesars contended before the Commission that Gleason's administrative complaint was untimely, with respect to actions which had occurred more than 180 days prior to the filing of the administrative charge. Despite Caesars' timeliness objections, the Commission issued Gleason a right to sue letter.

Caesars then filed a petition for writ of mandamus in the circuit court, asking that the Commission be ordered to withdraw the right to sue letter with respect to Gleason's challenges to events which occurred more than 180 days prior to the filing of her administrative complaint. The circuit court denied Caesars relief, concluding that the Commission acted lawfully in issuing the right to sue letter, and that Caesars could raise the timeliness issue in Gleason's separate discrimination lawsuit.

Caesars appeals.

APPEAL DISMISSED.

Division Four holds:

In *State ex rel. Tivol Plaza, Inc. v. Missouri Commission on Human Rights*, No. WD78477 (Mo. App. W.D. April 12, 2016) (en banc), this Court addressed a case which was in

all material respects identical to this one. *Tivol* dismissed the appeal, on the basis that the circuit court had issued a summons to require the Commission to appear and defend, rather than a preliminary order in mandamus as required by Supreme Court Rule 94. Like in *Tivol*, in this case the circuit court used a summons, rather than a preliminary order in mandamus, to compel the Commission's appearance. Based on the result reached by a majority of the full Court in *Tivol*, Caesars' appeal is likewise dismissed.

Before: Division Four: Alok Ahuja, C.J., and Thomas H. Newton and James Edward Welsh, JJ..

Opinion by: Per Curiam.

April 19, 2016

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